

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :

v. :

THOMAS MARSHALL BYRD :

LEMONN ORLANDO WASHINGTON :

1:11CR 203 -1

1:11CR 203 -2

The Grand Jury charges:

COUNT ONE

From in or about 2009, continuing up to and including April 1, 2010, the exact dates to the Grand Jurors unknown, in the County of Forsyth, in the Middle District of North Carolina, and elsewhere, THOMAS MARSHALL BYRD, LEMONN ORLANDO WASHINGTON, and divers other persons, known and unknown to the Grand Jurors, knowingly and intentionally did unlawfully conspire, combine, confederate and agree together and with each other to commit offenses against the laws of the United States, that is:

1. To knowingly, intentionally and unlawfully distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841(a)(1); and

2. To knowingly, intentionally and unlawfully distribute quantities of a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section

812, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

COUNT TWO

On or about March 31, 2010, in the County of Forsyth, in the Middle District of North Carolina, LEMONN ORLANDO WASHINGTON willfully, knowingly and intentionally did unlawfully possess with intent to distribute 83.6 grams (net weight) of a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812; in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT THREE

On or about April 1, 2010, in the County of Forsyth, in the Middle District of North Carolina, THOMAS MARSHALL BYRD and LEMONN ORLANDO WASHINGTON willfully, knowingly and intentionally did unlawfully possess with intent to distribute 137.6 grams (net weight) of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812; in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A).

COUNT FOUR

On or about April 1, 2010, in the County of Forsyth, in the Middle District of North Carolina, THOMAS MARSHALL BYRD and LEMONN

ORLANDO WASHINGTON willfully, knowingly and intentionally did unlawfully possess with intent to distribute 252.0 grams (net weight) of a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II, controlled substance within the meaning of Title 21, United States Code, Section 812; in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT FIVE

On or about April 1, 2010, in the County of Forsyth, in the Middle District of North Carolina, THOMAS MARSHALL BYRD, in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, possession with intent to deliver cocaine base ("crack") and cocaine hydrochloride, in violation of Title 21, United States Code, Section 841(a)(1), did knowingly possess a firearm, that is, a Taurus .38 caliber revolver, model 85, serial number G164370; in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT SIX

On or about April 1, 2010, in the County of Forsyth, in the Middle District of North Carolina, THOMAS MARSHALL BYRD, having been convicted on June 12, 2003, in the Superior Court of Forsyth County, Winston-Salem, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, possession with intent to manufacture, sell, and deliver cocaine and possession with intent to manufacture, sell, and deliver marijuana; and having been convicted on March 7, 2000, in the Superior Court

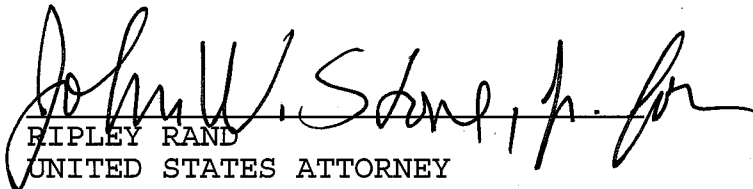
of Forsyth County, Winston-Salem, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, sale of cocaine and possession with intent to manufacture, sell and deliver cocaine, knowingly did possess in commerce and affecting commerce a firearm, that is, a Taurus .38 caliber revolver, model 85, serial number G164370; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL:

FOREPERSON



RANDALL S. GALYON
ASSISTANT UNITED STATES ATTORNEY



RIPLEY RAND
UNITED STATES ATTORNEY